

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Phillip Articola on 2/19/08.

The application has been amended as follows:

Claim 1 now reads " An information recording medium that contains information at a predetermined position of said information recording medium indicating whether an asymmetry value is available for adjustment of a recording condition, the information being based on a comparison result between asymmetry values obtained from signals recorded under at least two or more recording conditions, wherein a first asymmetry value at a first recording power in which jitter becomes minimum is compared with a second asymmetry value at a second recording power that is smaller than said first recording power, wherein if a difference between said first asymmetry value and said second asymmetry value is greater than or equal to a predetermined value, said information indicates that adjustment of the recoding conditions using the asymmetry values is possible, while if a difference between said first asymmetry value and said second asymmetry value is less than the predetermined value, said information indicates that adjustment of the recoding conditions using the asymmetry values is not possible".

Claim 28 now reads "A method of adjusting recording conditions of an information recording medium comprising the steps of: comparing asymmetry values, which are obtained by a signal recorded under at least two recording conditions; and deciding whether an asymmetry value is available for adjustment of the recording conditions, wherein a first asymmetry value at a first recording power at which a jitter becomes minimum is compared with a second asymmetry value at a second recording power that is smaller than said first recording power, wherein if a difference between said first asymmetry value and said second asymmetry value is greater than or equal to a predetermined value, adjustment of the recording conditions using the asymmetry value is carried out, while if difference between said first asymmetry value and said second asymmetry value is less than said predetermined value, adjustment of the recording condition using the asymmetry value is not carried out".

Claims 3 and 30 have been cancelled.

Allowable Subject Matter

Claims 1, 4-8, 11, 12, 15-28 and 31-54 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art fails to teach or suggest if a difference between said first asymmetry value and said second asymmetry value is greater than or equal to a predetermined value, adjustment of the recording conditions using the asymmetry value is carried out, while if difference between said first asymmetry value and said second asymmetry value is less than said predetermined value, adjustment of the recording condition using the asymmetry value is not carried out.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH HALEY whose telephone number is (571)272-0574. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627

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